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February 27, 1998

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

*SERIAL # 08/993,564*

Re: U.S. Patent Application Serial No. TBA  
For: CHIMERIC EMBRYOS AND ANIMALS  
CONTAINING HUMAN CELLS  
Filed: December 18, 1997  
Our Reference No. 45010-00601

Dear Sir:

Submitted herewith is a Petition Under 37 C.F.R. 1.182 together with Check No. 80376 in the amount of \$130.00. **The Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment to Deposit Account 03-2469.**

Also enclosed please find a postcard indicating the documents being filed. Please date-stamp the card indicating receipt of the attached papers and return it to us.

Respectfully Submitted,

PATRICK J. COYNE, Reg. No. 31,821  
GLENN T. BARRETT, Reg. No. 38,705

Enclosures



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Application of: STUART A. NEWMAN

Serial No.: TBA

Filed: December 18, 1997

For: CHIMERIC EMBRYOS AND ANIMALS CONTAINING HUMAN CELLS

Atty. Docket #: 45010-00601

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

**Petition Under 37 C.F.R. 1.182**

Applicant respectfully requests, under the provisions of 37 C.F.R. 1.182, a clarification of policy from the Commissioner of Patents and Trademarks regarding the patentability of cloned or genetically modified human embryos. Recent news reports suggest that individuals are currently attempting to patent cloned or genetically modified human embryos. Applicant is concerned and respectfully requests a verification of the patentability of cloned or genetically modified human embryos.

Statements made in 1987 by Commissioner Quigg suggest that individual human components, if genetically modified, are patentable subject matter. Concurrently, Commissioner Quigg stated that human beings are not patentable subject matter. The question remains open as to the patentability of genetically modified human embryos, which may not fit into either category. Embryos are not considered "human beings" at this stage of development, nor can they

be considered "individual human components," as they have the potential to become a human being.


The ability of an inventor to claim intellectual property rights in a cloned or genetically modified human embryo raises significant legal and moral questions. Applicant files this petition under 37 C.F.R. 1.182 to seek guidance from the Commissioner with respect to this issue. If the Commissioner feels it is more appropriate, Applicant respectfully requests that this petition be considered under 37 C.F.R. 1.291, relative to any application by Dr. Ian Wilmut (possibly assigned to the Roslin Institute and/or PPL Therapeutics), that may be pending in the U.S. PTO.

### **Conclusion**

Applicant respectfully requests that the Commissioner clarify Patent and Trademark Office policy on the patentability of cloned or genetically modified human embryos.

Respectfully submitted,

Dated: February 25, 1998

  
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